

8/6/08

From: Ken Abraham #173040
 SHU 18 BL 2
 Vaughn CC, 1181 Paddock Rd.
 Smyrna, DE 19977

To: Honorable Sue L. Robinson

Judge
 United States District Court - Delaware

Re: Civ. No. 08-452 SLR

This is not a
 civil rights claim
 or case

FILED

AUG 18 2008

U.S. DISTRICT COURT
DISTRICT OF DELAWARE

Your Honor,

I have received your Order of 8/1/08 in this case, along with the "Authorization" form which I shall forward to the Clerk A.S.A.P.

I am a bit confused, and I am writing to question the characterization of this case as "pursuant to 42 USC § 1983". This is not a civil rights claim. As I stated in the Petition, it is not a civil rights case or claim, but simply a Petition for Declaratory Judgment. Although, as you know, I practiced law for a few years, this entire area is (both the civil rights cases and this petition I have had to file) new and foreign to me. It is my intention to pursue it, have it considered as a Petition for Declaratory Judgment. I do not know what consequences the characterization of it as a § 1983 case may have, but I seek by this letter to avoid any possible negative consequences. The goal is that the matter be heard.

For the many reasons mentioned in the Petition, I renew my request for appointment of counsel in this case. I look forward to eventually proving the truth of everything I have represented to this Honorable Court. Thank you for your consideration of the matter raised herein.

Respectfully Submitted,
 K. A. 11

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KENNETH R. ABRAHAM,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 08-452-SLR
)	
DELAWARE DEPARTMENT OF)	
CORRECTIONS, COMMISSIONER)	
CARL DANBERG, WARDEN PERRY)	
PHELPS, RONNIE MOORE,)	
DR. SPENCE, and ANY AND ALL)	
OTHER DEPARTMENT OF)	
CORRECTIONS STAFF)	
ADMINISTERING THE GREENTREE)	
PROGRAM AT ALL DEPARTMENT)	
OF CORRECTIONS FACILITIES)	
WHOSE NAMES AND TITLES SO)	
FAR ARE UNKNOWN TO KENNETH)	
ABRAHAM,)	
)	
Defendants.)	

ORDER

?? 1. The plaintiff Kenneth R. Abraham, SBI #173040, a pro se litigant who is presently incarcerated, has filed this action pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

2. Based on the plaintiff's submissions, his request to proceed in forma pauperis is granted. Pursuant to 28 U.S.C. § 1915(b), the plaintiff shall be assessed the filing fee of \$350.00. The Court has determined that the **plaintiff has no assets and no means to pay the initial partial filing fee, nevertheless, any money the**

plaintiff later receives will be collected in the manner described below.

3. The plaintiff shall, within thirty days from the date this order is sent, complete and return to the Clerk of Court, the attached authorization form allowing the agency having custody of him to forward all payments required by 28 U.S.C. § 1915(b)(2) to the Clerk of the Court. **FAILURE OF THE PLAINTIFF TO RETURN THE AUTHORIZATION FORM TO THE CLERK OF COURT WITHIN THIRTY DAYS FROM THE DATE THIS ORDER IS SENT SHALL RESULT IN DISMISSAL OF THIS ACTION.**

4. The plaintiff shall be required to make monthly payments of 20 percent (20%) of the preceding month's income credited to the plaintiff's prison trust account and absent further order of the Court, the Warden or other appropriate official at James T. Vaughn Correctional Center, or at any prison at which the plaintiff is or may be incarcerated, shall forward payments from his account to the Clerk of the Court each time the amount in the account exceeds \$10.00 until the filing fee is paid.

NOTWITHSTANDING ANY PAYMENT MADE OR REQUIRED, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.

5. Pursuant to 28 U.S.C. § 1915(g), if plaintiff has had three or more actions dismissed by the Court on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, the Court shall deny plaintiff

leave to proceed in forma pauperis all future suits filed without prepayment of the filing fee, unless the Court determines that plaintiff is under imminent danger of serious physical injury.

DATED: 8/1/08


United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KENNETH R. ABRAHAM,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 08-452-SLR
)	
DELAWARE DEPARTMENT OF)	
CORRECTIONS, COMMISSIONER)	
CARL DANBERG, WARDEN PERRY)	
PHELPS, RONNIE MOORE,)	
DR. SPENCE, and ANY AND ALL)	
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PROGRAM AT ALL DEPARTMENT)	
OF CORRECTIONS FACILITIES)	
WHOSE NAMES AND TITLES SO)	
FAR ARE UNKNOWN TO KENNETH)	
ABRAHAM,)	
)	
Defendants.)	

AUTHORIZATION

I, Kenneth R. Abraham, SBI # 173040 request and authorize the agency holding me in custody to disburse to the Clerk of the Court all payments pursuant to 28 U.S.C. § 1915(b) and required by the Court's order dated 8/1/08, 2008.

This authorization is furnished to the Clerk of Court in connection with the filing of a civil action, and I understand that the filing fee for the complaint is \$350.00. I also understand that the entire filing fee may be deducted from my trust account regardless of the outcome of my civil action. This authorization shall apply to any other agency

into whose custody I may be transferred.

Date: 8/6/08, 2008.

K.R. ALL
Signature of Plaintiff
Kenneth R. Abraham

I/M Hon. Abner
SBI# 173040 UNIT SHU18B42
JAMES T. VAUGHN CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

Hon. Sue Robinson
clerk - US District Court
Box 18, Evans St.
Wilmington, DE
19801-3584



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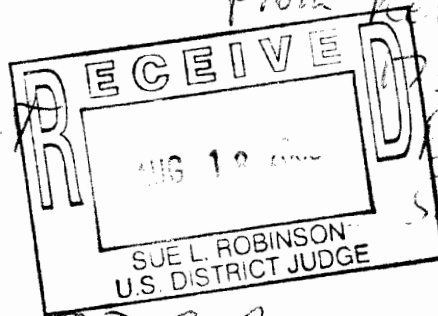
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8/12/08

To: Peter D'Alto
Clerk

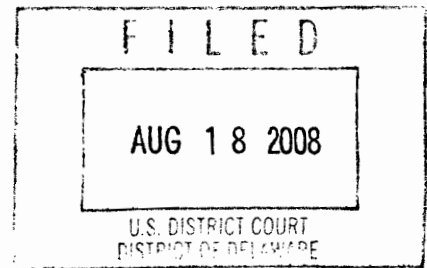
US District Court

From Ken Abraham



073049 SHU/SBL2
PCC 1181 Paddock Rd.
Smyrna DE 19477

re: Case 07-593 SLR
and Case 08-452 SLR



Dear Mr. D'Alto,

Enclosed are (1) A letter inquiring about serving
defendant Mann in case 07-593

(2) A letter to her Honor Sue Robinson
(1 for her, 1 for you) re Case 08-452.

(3) Please note is Case 08-452 the
financial "Authorization" form is attached at end of
letter to Ms. Robinson.

Thank you for your attention to
these matters.

Sincerely,
K-ABRAHAM

P.S. I hope you managed to get out of there for
a pleasant summer vacation! Having enjoyed
practicing for 12 years and having two very good
friends now on State Supreme Ct., I know very well
how essential you and your staff are to "making the
Court work" properly!! KRA